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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,021	06/26/2001	Douglas P. Bogia	42390P10211	3409

7590

01/06/2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/893,021

Applicant(s)

BOGIA, DOUGLAS P.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,11,12,17-20,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,8-10,13-16,21-28 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,11,12,17-20,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant election of invention Group I, Claims 1, 4-7, 11-12, 17-18, 22, 24 and 29-30, without traverse is acknowledged. However, the restriction/election is made in error; the linking claim stated in the previous office action should not include claim 22, since claim 22 originally included the ground of restriction, i.e., same subject matter as claims 8-10. Although, applicant has elected without traverse, but the decision to elect without traverse may be based upon the erroneous. Applicant is therefore, given an opportunity to traverse Examiner decision to further restrict claims 22-28 for examination.

Since the subject matter of the claims 22-28 coincided with the non-elective species in claims 8-10, which have distinct utilities from the inventions in Group I. For instance, the invention in Group I related to sending information from server to client devices, via e-mail, for configuring the client devices, whereas the invention in Group III, which revised to include claims 22-28, has a separate utility, which related to, sending secure e-mail through cooperate firewall based on user identifiers and matching IP address. These two inventions are not related and do not require one to accomplish another. Thus, the revision of the restriction is appropriate.

Applicant is invited to traverse restriction requirement in response to this Office Action, failing to response to the invitation will amount to the previous election without traverse.

2. In order to expedite the prosecution, the examination process will not include Claims 22-28; current status of the application is claims 1, 4-7, 11-12, 17-20 and 29-30 are pending for examination. The rejection and rejection cited are as stated below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 11 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Masterson et al. (US. 2003/0018755).

5. Regarding claims 1, 11 and 29, Masterson discloses, a method, apparatus and program for, configuring an appliance comprising: sending an electronic data file containing configuration information to the appliance; and automatically configuring the appliance in response to receiving the electronic data file (Fig. 4; (402, 422) client devices connecting to server; (424) the server sending configuration file to client device, (416) client device update configuration).

6. Claims 1, 4-7, 11-12, 17-20 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuo (US. 20020016955).

7. Regarding claims 1, 11 and 29, Masterson discloses, a method, apparatus and program for, configuring an appliance comprising: sending an electronic data file containing configuration information to the appliance; and automatically configuring the appliance in response to receiving the electronic data file (paragraph 99).

8. Regarding claims 4-5, 12, 18-20 and 30, Matsuo discloses the electronic data file is embedded in an email, but silent to encrypting and decrypting the electronic data file. Official Notice is taken (see MPEP 2144.03) a-mail encryption/decryption was well known standard in

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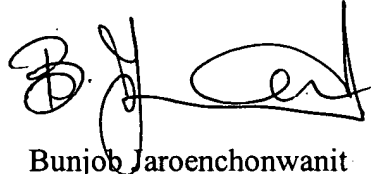
the art at the time of the invention was made, which was designed for strengthening privacy, security and integrity of electronic data communication over open network environment. Thus, including the well-known standard to encrypting and decrypting configuration information would have been obvious to one of ordinary skill in the art at the time of the invention was made, because it would prevent one to tamper with the configuration file, thereby increasing security in data communication network.

9. Regarding claims 6-7, 17 Matsuo discloses the invention substantially, but silent to authenticate email, confirmation email. Official Notice is taken that email authentication and confirmation was well known email, standard protocol. They have been included as standard exchange, etc. The known standard feature has been utilized for e-mail client regardless of type if install such software would be able to acknowledge confirm and/or authenticate themselves. Thus, inclusion such standard features would have been obvious to one of ordinary skill in the art to do so, because it would enable the system to network communication integrity, privacy and reliability of data of reaching destination.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a stylized flourish at the end.

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
12/17/04